



# Montgomery: MLK Burger King still planning to rebuild

Photo by Todd Luck

Plans to rezone and rebuild this Burger King on Martin Luther King Jr. Drive are delayed as its owner/operator Carrols LLC is attempting to buy the property.

BY TODD LUCK  
THE CHRONICLE

The City Council delayed rezoning items for the Burger King on Martin Luther King Jr. Drive and a controversial cell phone tower during its Monday, Nov. 6, meeting.

The rezoning for the Burger King involved changing its designation from being a part of the Martin Luther King Overlay district (HB MLKO) to just a Highway Business (HB) designation to allow for the franchisee to rebuild the restaurant without the restrictions the overlay puts on new construction, such as moving it closer to the road.

Recently, that Burger King has closed and its sign has been removed. East Ward City Council Member Derwin Montgomery, who is one of the Chronicle's owners, said that the Carrols LLC, which owns and operates the location, had already



Montgomery

planned to temporarily shut down the location this month and begin construction, but its effort has been delayed as it's still trying to acquire the property from Burger King.

Carrols, which purchased the Burger King locations in the local market, told Montgomery that it permanently closed down a few locations because the company was "balancing out their portfolio," but is committed to that location and staying in the MLK corridor.



Castro

"They have committed themselves to being in the community," said Montgomery.

The rezoning was rescheduled for the council's Jan. 2 meeting.

Most of Monday's meeting was taken up with zoning to place a 150 foot T-Mobile cell tower on the property of Twin City Bible Church. The "slick stick" pole would have no visible attachments. It would be located away from streets, but would be visible in the surrounding area.

Michael Berkowitz, a real estate appraiser, spoke for the petitioner saying that he did not believe it would negatively impact property values in the nearby Ardmore neighborhood, which has approximately 5,000 homes.

The Ardmore Neighborhood Association disagreed. Its board voted unanimously against the tower and several Ardmore residents spoke in opposition. Ardmore Association President Daniel Castro said the tower was "inappropriate, ill-suited" for the "residential nature of our neighborhood."

"I've heard more complaints from my neighbors about this project than about any other issue that's come before us during my time as president," he said.

Normally, when a community stands in opposition to a zoning issue, the City Council will vote it down. But by state law, cell phone towers receive quasi-judicial hearings, where the council

hears sworn testimony and can only base their vote on findings of fact.

"We're required to make a decision on the law as it stands, not as we wish it to be," said

Southwest Ward City Council Member Dan Besse.

Besse repeatedly asked Assistant City Attorney Jerry Kontos about ways he could rule against the tower. He said he was struggling with conflicting testimony between residents who believe it would negatively impact their property value and the petitioners' claim that it won't.

After lengthy testimony and a rare closed-door meeting with city legal-counsel in mid-meeting, the City Council delayed the vote until its Dec. 18 meeting, when they plan to question more witnesses on the tower's impact on adjoining property.

## County seeks voting machine extension from General Assembly

BY TODD LUCK  
THE CHRONICLE

Forsyth County Board of Elections is hoping the General Assembly will give counties an extension on getting new voting machines.

Currently the county is under a state deadline to switch to a paper-based ballot system by next year. The county had planned to replace its current touch-screen voting machines used for early voting with new machines that will produce paper ballots.

Plans to test the machines and have them ready by 2018, were sidelined by a legal battle over proposed changes to the makeup of election boards in the state. As North Carolina awaits a ruling, the State BOE's term expired and the board is currently vacant. Without a state board, there is no one to certify new voting machines for use in the state, so Forsyth can't get new machines and its current ones will no longer be certified after year's end.

"We face the challenge of this looming deadline," Forsyth BOE Director Tim Tsujii told county commissioners at a briefing last week.

This would result in Forsyth voters using paper ballots for early voting in next year's primary and Forsyth BOE renting machines for visually impaired voters. The problem is that last year there were 80 ballot styles and each early voting site would have 1000s of each

to accommodate any voter from any precinct that might go there. Tsujii said this would result in printing 200 percent of the amount of ballots equal to the registered voters in the county.

"We'd have to print out an extraordinary amount of paper ballots," said Tsujii.

Tsujii said this could result in long lines and confusion during early voting.

There are eight other counties facing the same

deadline because they rely on paper ballots on Election Day. Counties that don't use paper ballots for voting face a deadline of September 2019. Tsujii said that he met with representatives of the North Carolina Association of County Commissioners (NCACC) and State BOE staff, and they discussed potential state legislation that would give Forsyth and those other eight counties the September 2019 deadline for new

machines. The legislation would be drafted by State BOE staff and the NCACC will advocate for it.

County commissioners voiced support for the effort. Commissioner Gloria Whisenhunt said that the commissioners should send letters to county lawmakers and the NCACC in support of the effort.

"Hopefully this will be a no brainer," said Commissioner Don Martin.

### Corrections

The Chronicle apologizes for an error made in the Nov. 2 edition of The Chronicle in the Page A1 cutline with the article with the headline "Obamacare is still alive." The name of the protester pictured, Yasuko Rallings, was misspelled in the photo's cutline. The Chronicle regrets any misunderstanding that may have resulted from this error. The Editor

The Chronicle apologizes for an error made on Nov. 2 in the newspaper. The story, on page A1, had the headline "Federal court: Special master to redraw GOP maps." The story should have said Phillip Strach, the attorney representing Republican legislative leaders told the court Monday in a motion that they oppose the appointment of special master Professor Nathaniel Persily of Stanford University in California.

The Chronicle regrets any misunderstanding that may have resulted from this error. The Editor



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